

MACOMB TOWNSHIP BOARD MEETING MINUTES  
REGULAR MEETING HELD WEDNESDAY, OCTOBER 24, 2001  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
19925 TWENTY-THREE MILE ROAD  
MACOMB, MICHIGAN 48042

PRESENT: NORMAN J. SNAY, CLERK  
MARIE E. MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
KENNETH MEERSCHAERT, JR.  
CHARLES OLIVER

Also in attendance: Michael Koehs, Deputy Clerk  
Lawrence Dloski, Township Attorney  
Jim VanTiflen, Township Engineer  
(Additional attendance record on file with Clerk)

ABSENT: JOHN D. BRENNAN, SUPERVISOR

CALL MEETING TO ORDER

Clerk SNAY called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Deputy Clerk KOEHS called roll. Supervisor BRENNAN absent.

**MOTION by OLIVER seconded by MEERSCHAERT to remove Supervisor BRENNAN from roll call votes.**

**MOTION carried.**

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA ITEMS (with any addendum's)

Tabled:

8. Rezoning Request; General Commercial (C-2) to Community Facilities (CF); Located south of 24 Mile Road and approximately 400 feet west of Garfield Road; Section 18. Ron Jona, Petitioner.
  9. Rezoning Request; Agricultural (AG) and Residential One Family Suburban (R-1-S) to Community Facilities (CF); Located east of Romeo Plank Road and approx. 512 feet south of 25 Mile Road; Section 8. Boulder Construction, Petitioner.
- Executive Session:
34. Grand Sakwa v Macomb Township

Deleted:

12. Request Adoption of Resolution to change street names in Beaufait Farms Subdivision.

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Additions:

Executive Session:

34a. Hayes Group Home v Macomb Township

**MOTION by OLIVER seconded by DUNN to approve agenda as amended.**

**MOTION carried.**

4. APPROVAL OF BILLS.

**MOTION by DUNN seconded by MEERSCHAERT to authorize payment of bills as submitted.**

<b>FOR THIS MOTION:</b>	<b>DUNN, MEERSCHART, OLIVER, BUCCI, MALBURG, SNAY</b>
<b>OPPOSED:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>BRENNAN</b>

**MOTION carried.**

5. APPROVAL OF MEETING MINUTES.

**MOTION by MEERSCHAERT seconded by OLIVER to approve the minutes of October 10, 2001 as presented.**

6. DEPARTMENT MONTHLY REPORTS

- A. Macomb County Sheriffs Department.
- B. Building Department
- C. Fire Department
- D. Water/Sewer Department
- E. Parks and Recreation Department

**MOTION by DUNN seconded by MALBURG to receive/file and approve the Department Monthly Reports as a consent agenda.**

**MOTION carried.**

7. PUBLIC COMMENTS

Public discussion was held regarding when tabled items would be addressed.

Marty Piepenbrok, Parks and Recreation Director, introduced Teresa Grills and John Barnholt of Green Play LLC who have spent the last couple days here at the Township working on our needs assessment study for the Parks and Recreation Department.

**PLANNING COMMISSION:**

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8. Rezoning Request; General Commercial (C-2) to Community Facilities (CF); Located south of 24 Mile Road and approximately 400 feet west of Garfield Road; Section 18; Ron Jona, Petitioner. Permanent Parcel No. 08-18-200-013. (Tabled from the meeting of October 10, 2001).

Tabled to the meeting of November 14<sup>th</sup>, 2001 as requested by the petitioner.

9. Rezoning Request; Agricultural (AG) and Residential One Family Suburban (R-1-S) to Community Facilities (CF); Located east of Romeo Plank Road and approximately 512 feet south of 25 Mile Road; Section 8; Boulder Construction, Petitioner. Permanent Parcel No. 08-08-127-001.

Tabled to the meeting of November 14<sup>th</sup>, 2001 as requested by the petitioner.

10. Technical Change; Tentative Preliminary Plat; Castle Mar Subdivision; (99 lots); Located north of 23 Mile Road and west of Card Road; Section 15; Marcast Development, Petitioner. Permanent Parcel No. 08-15-476-010 and 08-15-476-011.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the technical change to the proposed subdivision and stated the recommendation of the Planning Commission to approve the request contingent upon the fulfilling of the standard conditions.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to approve the Technical Change to the Tentative Preliminary Plat for Castle Mar Subdivision contingent upon the fulfilling of the conditions submitted by the Planning Commission.**

**MOTION carried.**

**NEW BUSINESS:**

11. Request to Adopt Resolution No.1 for Special Assessment District (SAD); Detention/Retention Basin; Buckingham Village Subdivision No.1.

Clerk SNAY reviewed the request and stated his recommendation to set the public hearing date for Wednesday, November 14<sup>th</sup>, 2001 at 7:00p.m.

**MOTION by MEERSCHAERT seconded by MALBURG to adopt Resolution No.1 and schedule a Public Hearing for a SAD Special Assessment District; Retention Basin for Buckingham Village Subdivision No.1 on Wednesday, November 14<sup>th</sup>, 2001 at 7:00 p.m.**

The Buckingham Village Subdivision No.1

**RESOLUTION NO. 1**

MACOMB TOWNSHIP BOARD MEETING MINUTES  
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AT 7:00 P.M.

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 24, 2001 at 7:00 o'clock p.m., Eastern Daylight Savings Time.

**PRESENT:**Members Norman J. Snay, Marie Malburg, Dino F. Bucci, Jr., Janet Dunn,  
Kenneth Meerschaert Jr., Charles Oliver.  
**ABSENT:** Members John D. Brennan,

**The following preamble and resolution were offered by Member MEERSCHAERT and supported by Member MALBURG.**

**WHEREAS**, final plat approval of Buckingham Village Subdivision No.1 (the "Plat") has been requested by the proprietor(s) thereof; and

**WHEREAS**, the County Public Works Commissioners of Macomb County (the "Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of the Subdivision Control Act 1967, 1967 PA 288, (the "Act"), requiring that the proprietor(s) provide an adequate storm water detention/retention basin, is satisfied; and

**WHEREAS**, the Proprietor and/or lot owners of the Plat are responsible for the maintenance and operation of the detention/retention basin for Buckingham Village No.1 Subdivision pursuant to and in accordance with a Declaration of Easements, Covenants, and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of the Plat; and

**WHEREAS**, in the event the Proprietor and/or lots owners refuse, fail or neglect to maintain the detention/retention basin which results in conditions threatening public health , safety or welfare, thus requiring the Township to abate such conditions; and

**WHEREAS**, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the detention/retention basin for Buckingham Village No.1 Subdivision, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon Lots 1 through 122 of the Plat which contribute storm drainage to the basin and all other benefited property if any, located in such district by the imposition of a special assessment levy; and

**WHEREAS**, it has been proposed that the special assessment levy be spread equally on each lot in the Special Assessment District.

**WHEREAS**, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operation and maintaining the retention basin by special assessment on the property benefited thereby.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD  
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That, subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of Lots 1 through 122 within the Plat as shown thereon and additional adjacent building sites, and benefited property, if any.
2. That the Township Board give notice of and hold a public hearing on November 28, 2001, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the detention/retention basin for Buckingham Village Subdivision No.1 by special assessment on the property benefited thereby. The operation and maintenance of the detention/retention basin for Buckingham Village No.1 shall include, but not be limited to, the operation and maintenance of pumps, the cutting of grass and the removal of weeds and debris.
3. That the storm water detention/retention basin provided by the proprietors is adequate to service the land within the special assessment district and accordingly, the conditions of Section 192 of the Act are deemed fulfilled.

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4. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative an and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES:Members MEERSCHAERT, MALBURG, DUNN, BUCCI, OLIVER, SNAY

NAYS: Members NONE

RESOLUTION DECLARED ADOPTED.

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Norman J. Snay  
Macomb Township Clerk

**MOTION carried.**

12. Request Adoption of Resolution to change street names in Beaufait Farms Subdivision.

Deleted

13. Direct Planning Commission to review & revise Zoning Ordinance No.10 regarding Industrial & Manufacturing.

Clerk SNAY reviewed the request.

Larry Dloski, Township Attorney, stated that the purpose of this agenda item is to review the Industrial & Manufacturing uses and sections of the zoning ordinance. Many of the uses that are allowed in the current manufacturing & industrial zoning classifications (M-1 & M-2) are the traditional old heavy industrial types uses where the Township should look at the more high tech office type of manufacturing industrial uses.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to refer to the Planning Commission review and possible recommendations regarding revisions to the M-1 and M-2 zoning districts for Macomb Township.**

**MOTION carried.**

14. Camelot Manufactured Home Community dispute regarding Water and Sewer Fee's.

Clerk SNAY reviewed the request.

Larry Dloski, Township Attorney, stated that a request was received from Camelot Manufacturing Housing Community on August 16<sup>th</sup>, 2001, regarding being charged a higher water meter fee that they felt was not in line with other charges within the township. Mr. Dloski informed the Board that the matter has been reviewed by David Koss and the Township

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Supervisor who determined that Camelot was correct with their concerns with the matter. Mr. Dloski reviewed a recommendation to settle the issue that was submitted by Camelot Community.

Board discussion was held regarding how far back will Camelot received a credit.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the settlement with Camelot Manufactured Housing Community as set forth in their August 16<sup>th</sup>, 2001 correspondence.**

**MOTION carried.**

15. Request Adoption of Amendment to Chapter 3 Code of Ordinances regarding Alcohol Beverages.

Clerk SNAY reviewed the request.

Larry Dloski, Township Attorney, stated that the Amendment of Chapter 3 Code of Ordinances would eliminate the Constables from enforcement of the Liquor Control Laws and shift the responsibility to the Macomb County Sheriffs Department.

Public Portion: None

**MOTION by DUNN seconded by MEERSCHAERT to adopt the Amendment to Chapter 3 Code of Ordinances regarding Alcohol Beverages as presented.**

<b>FOR THIS MOTION:</b>	<b>DUNN, MEERSCHAERT, OLIVER, MALBURG, BUCCI, SNAY.</b>
<b>OPPOSED:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>BRENNAN</b>

**MOTION carried.**

16. Request Adoption of Amendment to Chapter 14 Code of Ordinances regarding Township Fence Ordinance.

Bernard Lynden, Planning Consultant, stated that the ordinance refers to fences located within subdivisions only and had been reviewed by the Building Official, Township Attorney and himself. Mr. Lynden reviewed the Amendments proposed to Chapter 14 Code of Ordinances.

Public discussion was held regarding the setback of fences located along a main road and the Home Owners Association fence requirements in relation to the enforcement of the Township Ordinance.

Larry Dloski, Township Attorney, stated that Home Owners Associations are required by the Township and that enforcement of a subdivisions restrictive covenants cannot be stated in the Township Ordinances.

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**MOTION by OLIVER seconded by MALBURG to adopt the Amendment to Chapter 14 Code of Ordinances regarding Township Fence Ordinance as presented.**

**FOR THIS MOTION:** OLIVER, MALBURG, MEERSCHAERT, DUNN, BUCCI,  
SNAY  
**OPPOSED:** NONE  
**ABSENT:** BRENNAN

**MOTION carried.**

17. Temporary Certificate of Occupancy; CVS Pharmacy; Located on the northwest corner of 21 Mile Road and Card Road; Section 27. (Card/21 Shoppes Center). Boutrous Companies, Petitioner.

Clerk SNAY reviewed the request.

Petitioner Present: Bob Kirk  
Construction Manager also present

Board discussion was held regarding the large amount of construction still need to be completed at the site.

Bob Beckett, Building Official, stated his recommendation not to approve the Temporary Certificate of Occupancy due to numerous items that need to be completed to insure the safety of the public.

Public Portion: None

**MOTION by BUCCI seconded by MALBURG to table the matter the next Township Board meeting of November 14<sup>th</sup>, 2001, to allow additional time to meet site requirements.**

**MOTION carried.**

18. Temporary Certificate of Occupancy; Christian Life Church; Located on the north side of 21 Mile Road and east of the Grand Trunk Railroad; David F. Muns, Pastor, Petitioner.

Clerk SNAY reviewed the request.

Petitioner Present: Mr. William Quinlan, Project Architect

Larry Dloski, Township Attorney, stated that an approval could be granted contingent upon the posting of a bond and the completion of site improvements.

Chief Ahonen stated that all Fire Department approvals have been met.

Board discussion was held regarding site improvements that still need to be met.

Bob Beckett, Building Official, stated his recommendation to approve the Temporary Certificate of Occupancy for one year with required contingencies.

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Public Portion: None

**MOTION by DUNN seconded by MEERSCHART to grant the Temporary Certificate of Occupancy to Christian Life Church for a period of six months contingent upon the posting of a bond in an amount to be determined by the Township Engineers and that all site improvements stated by the Building Department and Township Engineers be completed within the approval period and that a re-review be required prior to the approvals expiration by the Township Board if an extension is requested.**

**MOTION carried.**

19. Application to enter into Easement Agreement; Consumers Energy.

Larry Dloski, Township Attorney, reviewed the easement agreement.

Public Portion: None

**MOTION by MEERSCHAERT seconded by MALBURG to enter into the Consumers Energy Agreement and authorize the Township Supervisor and Clerk to sign the agreement.**

**MOTION carried.**

**FIRE DEPARTMENT:**

20. Request to purchase Ice/Water Rescue Equipment.

Raymond Ahonen, Fire Chief, reviewed the request and three bids submitted for the equipment.

Public discussion was held regarding the type of calls the equipment would be used for.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the purchase of Ice/Water Rescue Equipment from Michigan Rescue Concepts for the total cost of eleven thousand two hundred one dollars and 90/100 (\$11,201.90).**

**MOTION carried.**

21. Request to purchase new Television for Station 2.

Raymond Ahonen, Fire Chief, reviewed the request and stated the current television has been repaired numerous times which is used for training and news broadcasts.

Public Portion: None



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**MOTION by OLIVER seconded by MALBURG to authorize the purchase of the Mitsubishi VS-50609 Television for Station 2 from ABC of Macomb for the total cost of one thousand one hundred seventy five dollars and 00/100 (\$1,175.00).**

**MOTION carried.**

22. Request to bid on New Server and Workstation for Station 2.

Raymond Ahonen, Fire Chief, reviewed the request and stated the bids had been reviewed and recommended by Michael Koebs, Network Administrator.

Board discussion was held regarding using the current server in another department within the township.

Public Portion: None

**MOTION by MALBURG seconded by BUCCI to purchase the Server/Workstation from Voda/Gateway for the total cost of seven thousand nine hundred fifty dollars and 00/100 (\$7,950.00).**

**MOTION carried.**

**PARKS AND RECREATION DEPARTMENT:**

23. Request to Offer Programs for 2002.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request and stated that the department plans to present a variety of special events including those that have been successfully presented in the past along with developing some new event ideas.

Board discussion was held regarding new programs being offered.

Public Portion: None

**MOTION by DUNN seconded by OLIVER to approve the request to offer Activities and Programs for the 2002 years as presented.**

**MOTION carried.**

24. Request to Approve Graphic Design Services for Winter Brochure.

Martin Piepenbrok, Parks and Recreation Director, stated that the current workload of department staff will make it difficult to properly handle this time consuming task to meet the printing and distribution deadlines for this brochure. Mr. Piepenbrok presented his recommendation to contract with Polar Graphics.

Public Portion: None

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**MOTION by OLIVER seconded by MALBURG to approve the agreement with Polar Graphics as presented for the total cost eight hundred dollars and 00/100 (\$800.00).**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

25. Approval of Change Order No.3, Macomb Township Civic Center Utilities and Roads, DiPonio Contracting, MA 98-37.

David Koss, Water/Sewer Superintendent, reviewed the request and stated the change order is the result of additional work required because roadway sub-grade could not be brought up to contract specifications with materials found on site.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to authorize the payment of Pay Certificate No.3; Macomb Township Civic Center Utilities and Roads, DiPonio Contracting in the amount of seventy one thousand three hundred sixteen dollars and 80/100 (\$71,316.80).**

<b>FOR THIS MOTION:</b>	<b>DUNN, MALBURG, BUCCI, MEERSCHAERT, OLIVER, SNAY</b>
<b>OPPOSED:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>BRENNAN</b>

**MOTION carried.**

26. Approval of Pay Certificate No.6, Macomb Township Civic Center Utilities and Roads, DiPonio Contracting, MA 98-37.

David Koss, Water/Sewer Superintendent, stated his office and the Township Engineers of Spalding DeDecker & Assoc. had reviewed the pay certificate and were recommending approval for this payment.

Public Portion: None

**MOTION by MALBURG seconded by BUCCI to authorize the payment of Pay Certificate No.6; Macomb Township Civic Center Utilities and Roads; DiPonio Contracting, MA 98-37 in the amount of one hundred eighty six thousand seven hundred twenty two dollar and 02/100 (\$186,722.02).**

<b>FOR THIS MOTION:</b>	<b>MALBURG, BUCCI, DUNN, MEERSCHAERT, OLIVER, SNAY</b>
<b>OPPOSED:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>BRENNAN</b>

**MOTION carried.**

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27. Approval of Pay Certificate No.1, 22 Mile Road/Waldenburg Sanitary Sewer, Lanzo Construction Company, MA 98-19.

David Koss, Water/Sewer Superintendent, stated his office and the Township Engineers of Spalding DeDecker & Assoc. had reviewed the pay certificate and were recommending approval for this payment.

Public Portion: None

**MOTION by OLIVER seconded by DUNN to authorize the payment of Pay Certificate No.1; 22 Mile Road/Waldenburg Sanitary Sewer; Lanzo Construction Company, MA 98-19 in the amount of ninety seven thousand four hundred sixteen dollar and 00/100 (\$97,416.00)**

<b>FOR THIS MOTION:</b>	<b>OLIVER, DUNN, BUCCI, MEERSCHAERT, MALBURG, SNAY</b>
<b>OPPOSED:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>BRENNAN</b>

**MOTION carried.**

28. Authorization for Township Attorney to proceed with Condemnation.

David Koss, Water/Sewer Superintendent, reviewed the request for the North Avenue Sanitary Sewer project.

Public Portion: None

**MOTION by OLIVER seconded by MEERSCHAERT to authorize Legal Counsel to commence with condemnation of the Benzel property located at 47770 North Ave; Permanent Parcel No. 08-25-302-001.**

**MOTION carried.**

29. Discussion on Snow Plow purchase from December 2000. (Tabled from the meeting of October 10, 2001).

Deleted

**BOARD COMMENTS:**

30. Supervisor's Comments

None

31. Clerk's Comments

None

32. Treasurer's Comments

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None

Larry Dloski, Township Attorney, informed the Board on the results of a show cause hearing that was held on Joseph Imbronone and his failure to comply with the consent judgement at Hunter's Pointe Sub.

33. Trustee's Comments

None

**MOTION by MEERSCHAERT seconded by OLIVER to adjourn into Executive Session at 8:07 p.m.**

**MOTION carried.**

*Meeting reconvened at 8:14 p.m.*

**EXECUTIVE SESSION:**

34. Grand Sakwa v Macomb Township

Tabled

34a. Hayes Road Group Home v Macomb Township

**MOTION by DUNN seconded by OLIVER not to appeal the Administrative Law Judge Decision.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by MEERSCHAERT seconded by DUNN to adjourn the meeting at 8:15 p.m.**

**MOTION carried.**

Respectfully submitted,

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John D. Brennan, Supervisor

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Norman J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM

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UNAPPROVED

